

JURISDICTION:

NEW HAMPSHIRE

General Reference:

This chapter summarizes New Hampshire State statutes related to speed. New Hampshire Revised Statutes Annotated and New Hampshire Code of Administrative Rules (NHCAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. ' 265:60, I

Statutory Speed Limit:
See Other below.

Operating a motor vehicle above the following speed limits is considered *prima facie* evidence that such speed is unreasonable. ' 265:60, II

- 1) 65 MPH on the interstate system and other highways designated via statute¹ ' 265:60, II(e)
- 2) 55 MPH on other highways ' 265:60, II(d)
- 3) 35 MPH in rural residential districts and class V highways outside the compact part of a city or town ' 265:60, II(c)
- 4) 30 MPH in a business or urban residential district ' 265:60, II(b)
- 5) 10 MPH below the usual posted speed limit in a school zone² ' 265:60, II(a)
- 6) 10 MPH below the usual posted speed limit but in no case >45 MPH on a portion of a highway where persons are at work on thereon ' 265:60, II(f)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations or in the event of vehicle or weather emergencies, the State Commissioner of Transportation may increase or decrease the *prima facie* limit on the State highway system or on highways outside the compact area of a city or town.³ ' 265:62, I & 236:7

¹I.e., on those portions of the central and eastern New Hampshire turnpikes which are 4 lane divide highways and on other divided highways that have 4 or more lanes. ' 265:60, II(e)

²This limit is in effect from 45 minutes before until 45 minutes after school hours. ' 265:60, II(a)

³The State Commissioner of Transportation upon a determination by the governor and council, may establish temporary *prima facie* speed limits for the purpose of conserving fuel or for other national goals. ' 265:62, II Note: New Hampshire law indirectly establishes different types of speed limits for different times of the day by providing that signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or night. ' 265:62, I & 236:7 However, the law does not specifically state whether different highway speed limits can be established for different types of vehicles.

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II. Based on a petition by the governing body of a local government, the State Commissioner of Transportation may decrease the *prima facie* speed limit on the State highway system within the compact area of a city or town. However, such reduced limit cannot be <25 MPH. ' 265:62, IV
III. Based on engineering and traffic investigations, a local government may increase or decrease *prima facie* speed limits within their jurisdictions.⁴ ' 265:63, I & II

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

IV. Based on engineering and traffic investigations, the State Commissioner of Transportation may establish safe maximum speed limits for bridges and other elevated structures. ' 265:66, III & IV

Minimum Speed Limit:

I. A person shall not drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. ' 265:64, I
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. ' 265:16, II

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Commissioner of Transportation may declare a minimum *prima facie* speed limit on a highway. ' 265:64, II

Other:

I. A person shall not drive a vehicle that is towing a house trailer >45 MPH. ' 265:66, I
II. A person shall not drive a vehicle that is equipped with solid rubber or cushion tires >10 MPH. ' 265.66, II

Adjudication of Speed Law Violations:

⁴However, the following limitations apply. A speed limit in an urban district cannot be increased to more than 60 MPH. Either outside an urban district or within a business or residential district, a speed cannot be decrease to less than 25 MPH. ' 265:63, I

Civil/Criminal Adjudication of Violation: All Speed Law Offenses are Violations.⁵ ' ' 265:2 & 625:9, II(b)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$1,000** ' 651:2, IV(a)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a Driver Attitude Training program.
' 263:56-e

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

I. **Suspension** via Court Order ' 263:57

II. **Suspension** via a Point System⁶ ' 263:56, I(c) & III

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev): (continued)

III. **Revocation** for 3 traffic offenses within 1 year ' ' 263:55 & 263:56

Term of License Withdrawal

(Days, Months, Years, etc.):

I. **Suspension** via Court Order-Not more than **30 days** ' 263:57

⁵A violation is not classified as a crime. ' 625:9, II(b)

⁶**Point System.** I. A person ≥21 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 12 points within 1 year, 18 points within 2 years or 24 points within 3 years. A person ≥18 but <21 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 9 points within 1 year, 15 points within 2 years or 21 points within 3 years. And, a person ≤18 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 6 points within 1 year, 12 points within 2 years or 18 points within 3 years. NHCAR Saf-C 211.02 II. The following points have been assigned for speeding or speed related violations: Racing on the highway or reckless driving-6 points; exceeding the speed limit by ≥25 MPH-4 points; not driving in the right lane when operating a slow moving vehicle-4 points; and, exceeding the speed limit by <25 MPH-3 points. NHCAR Saf-C 211.03(c)(16), (d)(2) & (5), (e)(14) & (15)

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Mandatory Minimum Term of Withdrawal:	II. Suspension via a Point System-Not more than 1 year ' 263:56, I(c) & III III. Revocation for 3 traffic offenses within 1 year- 30 days to 1 year ' ' 263:55 & 263:56, III
Miscellaneous Sanctions Not Included Elsewhere:	I. Suspension via Court Order- None Action is discretionary with the court. ' 263:57 II. Suspension via a Point System-Suspensions occurring under this system appear to be mandatory. ⁶ ' 263:56, I(c) & III and NHCAR Saf-C 211.04(b) III. Revocation for 3 traffic offenses within 1 year- 30 days ' ' 263:55 This licensing action appears to be mandatory.
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway:</u>	Violation ' 265:75
Sanctions:	
Criminal Sanction:	None
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine (\$ Range):	Not more than \$1,000 ' 651:2, IV(a)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	The administrative licensing actions listed for speeding violations also apply to this offense.
Length of Term of Licensing Withdrawal:	
Mandatory Action--Minimum Length of License Withdrawal:	
Other:	An offender may be required to attend a Driver Attitude Training program. ' 263:56-e
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Reckless Driving:</u>	Violation ' 265:79
Sanctions:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$250 to \$500 ' 265:79
Mandatory Minimum Fine:	\$250 ' 265:79 The minimum amount appears to be mandatory.
Administrative Licensing Actions:	
Type of Licensing Action	

(Susp/Rev):	Revocation ⁷ ' ' 263:65 & 265:79
Length of Term of License	
Withdrawal Action:	<u>1st offense-60 days</u> <u>2nd offense-60 days to 1 year</u> ' 265:79
Mandatory Term of License	
Withdrawal Action:	<u>1st or 2nd offense-60 days</u> ' 263:70 This licensing action appears to be mandatory.
Other:	I. An offender may be required to attend a Driver Attitude Training program. ' 263:56-e II. A driver's license can be either suspended or revoked for not more than 7 yrs if they operate a vehicle in a reckless or unlawful manner and cause an accident which results in either death or injury to another person. ' 263:56, I(g) & III(a)

Commercial Motor Vehicle (CMV) Operators⁸:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. ' 263:94, I(e)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days ' 263:94, I(e)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days ' 263:94, I(e)

⁷The administrative licensing actions listed for speeding violations also appear to apply to this offense.

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. ' 259:12-e, I

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. ' 259:98-a, I & II